

THE SEWER BOARD OF THE CITY OF NEW ALBANY, INDIANA HELD A MEETING IN THE 3RD FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING, NEW ALBANY, INDIANA ON TUESDAY, NOVEMBER 21, 2006

PRESENT: Chairman Mayor James Garner, Vice Chairman Bill Utz, Mark Seabrook, and Todd Solomon. Larry Kochert was not present.

OTHERS: Attorney Greg Fifer, Brian Dixon, EMC, Tina Haley, and Deputy City Clerk Mindy Milburn.

CALL TO ORDER:

Mayor Garner called the meeting to order at 3:34 p.m.

PLEDGE OF ALLEGIANCE:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Seabrook moved to approve the minutes of October 17th as corrected, Mr. Utz second, all voted in favor.

Mr. Seabrook moved to approve the minutes of November 8th as corrected, Mr. Solomon second, all voted in favor.

COMMUNICATIONS - PUBLIC:

David Ruckman stated that he was there to address the board on behalf of his bank concerning the Brookstone project that they had previously received flows for. He explained that they had 95 lots at the location and had enough room for ten more and was before the board to ask for flows for these additional ten.

Mr. Dixon asked where it was located at.

Mr. Ruckman stated that it was located exactly on the Georgetown line.

Mr. Dixon asked if it was covered under the existing Georgetown flows.

Mayor Garner indicated that he thought that it would be.

Mr. Seabrook asked if the credits were available and how many they were asking for.

Ms. Walsh confirmed that there were approximately 29,000 credits and that they were asking for 3100.

Mr. Solomon stated that he didn't see any objection to the credits.

Mr. Seabrook motioned to approve the 3100 credits, Mr. Utz second, all in favor

Mr. Sceifers wasn't put on a summer watering program and wants relief on his bill in the amount of \$486.60.

Ms. Welsh explained that she was aware of this situation and that she thought this had all happened before the ordinance for the summer watering program, and that this was a customer who didn't have enough history and wasn't put on the summer watering program.

Mayor Garner asked what time period he was looking for the adjustment for.

Mr. Sceifers said that the bill was for July –September of 2005 and that he had moved in May 2005.

Mr. Fifer asked Ms. Welsh if she had done an analysis of this.

Ms. Welsh stated that the ordinance was passed in April and people prior to that were grandfathered in, but because he didn't have the history he was not.

Mr. Fifer suggested Kelly look at the bill and then determine what context it was in and know what they were dealing with.

Ms. Welsh explained that since the bill was under \$500 this would be something that she could handle in the office and report back on.

COMMUNICATIONS - CITY OFFICIALS

Mr. Fifer spoke on behalf of DSDI asked about a connection line by Taco Bell.

Mr. Dixon said he thought they had planned to do a connection at one time, but didn't know anything more about it.

Mr. Fifer stating that it has already been done.

Ms. Haley said that this was one they had talked about last week and it had been paid.

Mr. Fifer said they would get that processed so that their reimbursement could be issued

Mr. Fifer asked Mr. Dixon if he had inspected that connection.

Mr. Dixon stated that Bubby (?) had been the one to inspect it.

Mayor Garner explained that Kay would be on vacation this week, but that he had a memo from her dealing with the Stormwater finances. He stated that these were Stormwater expenses that had been paid by Drainage and the question was regarding the \$226,693 paid to F.M.S.M. Mayor then explained that Kay has been paying back the Sewer Utilities as revenue comes in.

Mr. Fifer asked if he had read this right then Drainage Board hadn't incurred enough revenue for own expenses to pay the bills that they owe much less pay back any debt.

Mayor Garner stated that this was correct.

Mr. Fifer further stated that they were \$30,000 short of paying their own bills right now let alone paying us back for whatever we were carrying.

Mr. Seabrook said there is an issue that can be argued about the money in Council Fund for drainage projects.

Mayor Garner stated that he was sure that the drainage utility had received the money.

Mr. Fifer said the amount is close to what Mark was tracking and told them about at the last meeting so he assumes that he and Kay are on the same page, but that he has questions about the couple hundred thousand that they funded with F.M.S.M.

Mayor Garner explained that that had already been paid back.

There was a lengthy discussion regarding the memo and what the Stormwater Board owes to Drainage.

Mr. Utz asked about Lafollette line and stated that there were more credits being requested than what they have available.

Mr. Solomon said that they couldn't allow anymore credit to be issued at Lafollette until they get some additional capacity built.

Mr. Utz stated that Springhill Subdivision hadn't been handled yet.

Mr. Solomon said there was nothing they could do until there was some additional capacity

Mr. Fifer stated it had been on hold for a long time and that there is still some disagreement over who owns land so he is not sure they are ready to move.

Ms. Haley said she had spoken with them and they were not.

Mr. Fifer stated that he thinks the more immanent one is Reflection Lake. They have been issued 5-10 credits, and they are ready to put line in.

Mr. Solomon asked if Mr. Dixon had received any additional Vaccon pricing

Mr. Dixon said they he had included a memo regarding the pricing in the packets. He stated that Vaccon, Vactor, and Aquatech had all given rough quotes and that there were a couple of things he wanted to point out. First, Vactor has a straight lease program for \$29,558.55 / five year lease or \$29,471.96/ seven year lease and the value of their truck at the beginning is \$210,000. Second, the Aquatech has a lease/purchase program for \$44,049.89/five year lease or \$32,908.20/seven year lease and the value of the truck is \$198,750. Neither Aquatech nor Vaccon offer straight lease option.

Mayor Garner asked if the trucks they had now are Aquatech and how they perform.

Mr. Dixon stated that we do have an Aquatech truck and they have performed very well from an operational standpoint. Mr. Dixon stated that he believed it should come down to the Aquatech or the Vactor truck and it was just a decision on whether they wanted to lease a vehicle and then own it or not.

Mr. Fifer clarified the lease and if the truck would be the cities, and then asked what would be the guaranteed trade in value of the truck.

Mr. Dixon said that he hadn't asked for that information.

Mr. Solomon asked if they could look it over and discuss it at the next meeting

Mayor Garner asked Mr. Dixon what he knows about the Vactor truck.

Mr. Fifer said it was the preferred truck at the time but heated relationship with the company lead to buying Aquatech.

Mr. Dixon stated that Jeffersonville and Clarksville have Vactor trucks, but that his guys prefer the Aquatech because it is more powerfull.

Mr. Lahanis stated that they did have some customer service issues with both Vaccon Vator sales.

Mr. Dixon suggested that they take a look at a Vactor truck to see how it runs.

Mr. Fifer said he would like to hear what the guys that are going to be using the trucks have to say before they make a decision.

Mr. Solomon asked if there were any comments on the NPDS permit draft.

Mr. Dixon said that he was unable to talk to Rob about this.

Mr. Solomon said he put together a spreadsheet for 15th Street Infrastructure SOQ

Ratings and added everyone's name to it as a tool to keep track of scoring.

Mr. Seabrook asked what the new issue was at 15th and Elm or if it was still the water company.

Mr. Dixon said he had just seen this today.

Mr. Seabrook said it had been going on for three days and the road was closed.

Mr. Dixon said a water line was crossing on west bound driving lane of Elm.

Mr. Seabrook said that this was further north on 15th street closer to Oak.

Mayor Garner stated the water company hadn't responded to him about the fire hydrant by Rainbow Dr.

Mr. Dixon explained that they are cleaning a water tower by Community Park and when they add water to the line at night they can't regulate volume or pressure so it is used to avoid damage to their systems and it is temporary until they get tanks refurbished and filled back up.

Mayor Garner asked Mr. Solomon about the highest number of points for each area.

Mr. Solomon stated twenty-five

Mr. Fifer asked to follow up on allocated amount on Basin 4. He asked were they were at on that process and if they had a proposed schedule.

Mr. Tekippe said they were waiting for the permit from DNR.

Mr. Fifer asked Mr. Tikeppe if he received the revised IDEM before the next meeting could he come with a draft between steps or target dates and they can adjust accordingly.

Mr. Utz asked Mr. Solomon if Basin 4 included the spur line.

Mr. Dixon stated that it crosses the creek about six times.

Mr. Solomon asked Mr. Dixon what the status was on that.

Mr. Dixon stated that nothing had been done on that one other than having flow meters to monitor it.

Mr. Solomon asked Mr. Fifer if he had drafted a letter to council indicating to them that the \$540, 000 in back EDIT money that they could not allocate was actually included in the rate increase packages.

Mr. Fifer stated that he had not done this yet but that he would.

Mr. Solomon asked Mr. Fifer if he sent out a letter to the EPA on developments with 15,500 gallons per day.

Mr. Fifer asked Mr. Tekippe if that was close to being updated.

Mr. Tekippe said that it was and that he would get it to him immediately.

Mr. Lahanis stated that they are in the middle of gathering information for performance review of EMC, Donahue and Clark Dietz and they had gathered quite a bit of information but that he wanted to cancel a workshop that was scheduled in December, because he didn't feel they would have enough to report on at that time.

Mr. Solomon asked what they were lacking.

Mr. Lahanis stated he was missing things like numbers on individuals and emergency response plans.

Mr. Solomon asked if Mr. Lahanis thought they would be ready by January.

Mr. Lahanis stated that he believed they would be ready to talk about it by then.

SEWER ADJUSTMENTS:

Ms. Welsh reported that she has three adjustments. The first adjustment was for Tony & Debbie Yeker at 3506 Jersey Ct. for \$790.88. Ms. Welsh then stated that all of the adjustments she was requesting were for water main leaks, not for any problems inside the homes.

Mr. Seabrook asked for clarification that none of these had gone through our sewer systems.

Ms. Welsh stated that he was correct.

Mr. Seabrook asked Mr. Solomon if he wanted to approve them as a group or individually.

Mr. Solomon asked Ms. Welsh about a credit that was given on July 6th and wondered if this was an additional credit being given.

Ms. Welsh explained that the July credit was due to a billing issue that was being corrected and that it had nothing to do with usage.

Mr. Solomon asked Ms. Welsh about another that was given in May 2006 for twenty-six dollars.

Ms. Welsh explained that it was an adjustment given to all Sellersburg customers because of duplicate billings.

Mr. Solomon said all look reasonable

Mr. Seabrook moved to approve the sewer adjustments, Mr. Solomon second, all voted in favor.

Mr. Fifer asked Ms. Welsh about Floyds Knobs Water.

Ms. Welsh explained that Floyds Knobs Water is the last ones to give her their readings and that she is having problems communicating with them and it delays the billing cycle. She is hoping to find alternatives to help both parties expedite the situation.

Ms. Welsh stated that she had given the board copies of all liens recorded on November 15th listing names and amounts. Ms. Welsh explained that first set of liens were recorded in the amount of \$39,532.05 and the second set of liens were certified for Steven Gregory in the amount of \$17,283.98.

Mr. Fifer asked Ms. Welsh if she was satisfied that Steven Gregory held title for the property when these liens were ran up.

Ms. Welsh explained that he did have ownership of the property.

Ms. Welsh stated that the last lien was for Keystone and it was recorded in the amount of \$85,725.95.

Mr. Utz asked Ms. Welsh for the total number of Silver Creek customers.

Mr. Welsh stated approximately 2988.

Mr. Fifer suggested that Ms. Welsh give a memo to the City Council detailing each lien and what they total. He also suggested that she include that this is an old Indiana American bad debt and this is our effort to rectify.

Ms. Welsh explained that she is currently working on 2006 leans but that they aren't meeting the December 15th deadline.

Mr. Fifer instructed Ms. Welsh to shoot for the March first because if they aren't certified by this date they will lose another year.

NEW BUSINESS:

Item #1 - Tina Haley re: request for sewer credits

Ms. Haley stated that Murl and Rita Davis were ready to receive their credits for seven townhouses at 8207 County Line Rd. She then explained that Mr. Reis, who wants to build a three lot subdivision on West Street at Ivy Court, is going for secondary approval.

Mr. Utz asked if these were approved would that leave them with 24,867 credits

Ms. Haley confirmed that number.

Mr. Utz asked if there were any reason not to approve these credits

Ms. Haley said that there was not.

Mr. Utz moved to approve the credits, Mr. Seabrook second, all voted in favor.

OLD BUSINESS:

Item #1 - Donohue re: update on Mini Master Plan and Basin 35-40 Capacity Analysis project.

Dale Tekippe stated that this was a follow up from last meeting regarding proposal for Basin 35 and they are still interested in moving forward on the surveying because some things have some lead time but they can start work right away on others.

Mr. Solomon asked if the fee was \$80,750

Mr. Tekippe said that was correct

Mr. Solomon asked if this design included bidding and construction admin.

Mr. Tekippe stated that it includes through the bidding process only.

There was a lengthy discussion regarding the proposal.

Mr. Solomon moved to approve the contract, Mr. Seabrook second, all voted in favor.

Mr. Solomon asked for an updated schedule on listed groups and to add basin 35 to the schedule.

Mr. Tekippe suggested a smaller working committee to decide what is going to move and when, instead of doing this at every board meeting.

Mr. Solomon asked if he wanted to work towards master schedule for the Capital Projects. He stated that if they were planning type projects he would agree with that approach, but that in his opinion they have to do a schedule with approval as quickly as possible to do all projects and then figure out how to fund them.

Mr. Tekippe presented a general on-call service agreement that sets up terms, conditions, and schedules to do small work orders with a work order form. He explained that there is no commitment to spend any money with this agreement but it sets up the legal system to do work orders for smaller projects. He stated that they did have an agreement like this with the board in the past.

Mr. Seabrook moved to approve professional service agreement, Mr. Solomon second, all voted in favor.

Mr. Tekippe addressed task order #1 regarding Development Impact and Connection Fee Analysis that he had previously given to the board in memo format.

Mr. Solomon stated that they needed to add Sellersburg to number five on the scope.

Mr. Solomon moved to approve the task order for Development Impact and Connection Fee Analysis, Mr. Seabrook second, all voted in favor.

Mr. Tekippe addressed the second task order regarding LaFollette Station. Stated that it looks at multiple lift station issues that they are concerned about and what might happen in the future.

Mayor Garner asked if they hadn't already reviewed lift station standards.

Mr. Solomon stated that they approved it two years ago but that there were some gaps in the writing and the main issue is the LaFollette lines, and that they need to have breakouts. If someone is allowed to tie into a force main they need to describe conditions by which they can do this. He suggested that they find out what works and what doesn't and modify conditions.

Mr. Tekippe said he would be sure to get any of the boards concerns worked in.

Mr. Solomon stated that he thinks this is important but that he would prefer to hold off if everyone agrees. He said he would like to speak to Sam about a provision of EMC's contract that requires them to provide capital improvement recommendations and would like the board to review that and comment on it. He said he wanted to gauge EMC's responsibility for helping them do the planning.

Item #2 - Clark Dietz re: Pending Project Agreements

Item #3 - Robert E. Lee Electrical issue

Mr. Solomon asked Mr. Dixon if he had heard from Rob about the Robert E. Lee electrical issue.

Mr. Dixon relied that he has spoken with him and that it doesn't require substantial electrical improvements to the circuitry to bring it up to code, what they are adding will be sufficient. He stated that they would be adding six to seven thousand dollars worth of improvements and that Delta is looking to see if there are any other issues out there for them to address.

Mr. Solomon asked if it would meet national electric codes.

Mr. Dixon said he was told it would be sufficient to meet the codes that are currently in place at that lift station.

Mr. Solomon asked if the upgrades bring it up to current code once they make the upgrades.

Mr. Dixon said that he was unable to answer that, and that all he knows is Rob said they were pursuing the go to put it in.

Mayor Garner said he thought since it wasn't a reconstruct that there wasn't anything more that they had to do.

Mr. Solomon stated that this brings up the issue that they still need to have generators from Wayne's supply because they can't have any overflow. He stated that he would like to have an opinion from EMC if possible on whether it is possible to keep the station operating the way it is and prevent overflow.

Mr. Dixon said they have a high level alarm that gives them a little over two hours notification and that they have a guarantee with two different vendors that keep a generator on call if they need to pick it up and get it out there in that time period.

Mr. Utz asked Mr. Solomon if they should go ahead and proceed on this.

Mr. Solomon said he thought they should but that he would like to talk with Rob to make sure that the national electric code would be satisfied.

Mr. Dixon asked if he could have Rob email him and let him know.

Mr. Solomon asked if anyone else would be interested in the email.

Mayor Garner stated he would like to see the email.

Mr. Solomon said he would approve the six or seven thousand as long as it met national electric codes.

Mr. Seabrook expressed concern that everything was being monitored by call-in or paging system and the ability to get the generators and hook them up in that short of a time frame.

Mayor Garner stated that the contract guarantees that these generators are ready for the city to use if the alarms are sounded within two hours.

Mr. Seabrook asked how long it would take to hook the generator up.

Mayor Garner explained that it is just a plug-in system.

Mr. Solomon restated that as long as it meets national electric code he think it will be okay and that doing this improves their situation, but from his perspective this does not resolve the situation and that the pump station needs to be rebuilt immediately.

It was agreed that they would ask Rob questions at the next meeting and then move on this issue.

Item #4 - EMC re: Kaye Crowe Claim

Mr. Dixon stated that this claim was for \$381.28 and that the board had all the info in front of them unless they had any specific questions.

Mr. Utz moved to approve the claim for \$381.28, Mr. Seabrook second, all voted in

favor.

EMC REPORT:

Mr. Dixon stated that he had claims for Clark Dietz, invoice #398932 for Robert E. Lee interceptor and Basin 4 for \$17,100, Excel Excavating-Emergency Repair Division for \$5,817.56, Melhiser Enders & Tucker- Monthly Financial Review for \$3,855, and Cues-Sewer CCTV Truck for \$69,500 which includes \$7,500 for additional cost of new truck.

Mr. Solomon moved to approve the pay request, Mr. Utz second, all voted in favor.

Mr. Seabrook asked Mr. Dixon about the status of a customer on Main St. who had a pit in the basement.

Mr. Dixon explained that it was her responsibility to take care of it and that he had explained to her what she had to do, but that he hadn't followed up.

BIDS:

CLAIMS:

ADJOURNMENT:

There being no further business before the Sewer Board, the meeting adjourned at 5:27 p.m.

Respectfully submitted,

Mayor James Garner, Chairman

Melinda Milburn, Deputy City Clerk